

**CITY OF INGLESIDE
MINUTES
CITY COUNCIL MEETING
FEBRUARY 25, 2014**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Pete Perkins presiding. Council Members present: Mayor Pete Perkins and Council Members Cynthia Wilson, Ben Tucker, Elaine Kemp, John F. Schack, and Willie Vaden. Council Members absent: Council Member Paul Pierce. Staff present: City Manager, Jim Gray, and City Secretary Kimberly Drysdale. There were approximately 15 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Council Member Kemp thanked the Council and Staff for their support, prayers, and flowers during her recent time of loss.

5. Consideration and action of the Minutes of the City Council Meeting of February 11, 2014.

Council Member Schack made a motion to approve the Minutes of the City Council Meeting of February 11, 2014 and was seconded by Council Member Kemp. The motion was approved unanimously.

6. Presentation from Mayor Perkins to provide TWIA and Regional Water update.

Mayor Perkins provided an overview of the Coastal Windstorm Task Force and their work with the new Texas Insurance Commissioner, Julia Rathgeber. This is still a very delicate subject and the Task Force is diligently working to help make the TWIA rates fair to all Texans. Ms. Rathgeber is still trying to use the 2011 regulations instead of the 2013 regulations. The Catastrophe Windstorm Trust Fund is way underfunded and needs to be built back up. The Task Force has proposed a few different options that won't hurt the 14 coastal counties as bad, but there will still be a difference between coastal and non-coastal county rates. We will be bringing a Resolution to a future Council Meeting to support the effort for elected officials to install rules and regulations instead of the Commissioner.

An update was also provided regarding the Coastal Water Task Force II which has been discussing the water needs for the South Texas area and it is believed that we have sufficient water for the next 50 years. Part of their plan is for surface water which is not stable. There are ongoing efforts to build a desalination plant but part of the concern is what to do with the salt byproduct. The use reuse of the effluent water is becoming more widespread and there has been recent discussion regarding the Right of Capture of the underground water sources. As things progress, Mayor Perkins will bring additional updates.

7. Consideration and action to reappoint the Municipal Court Judge and the Alternate Municipal Court Judge in accordance with City Charter Section 4.02.B and 4.02.C, and Texas Government Code Section 29.005.

Mayor Perkins made a motion to reappoint Cheryl Deal as the Municipal Court Judge and Valarie Glover as the Alternate Municipal Court Judge; and was seconded by Council Member Schack. The motion was approved unanimously.

8. Presentation, discussion, and action regarding the City of Ingleside's Audit for the year ending September 30, 2013 from Ernest Garza and Company.

Ernest Garza provided an overview of the City of Ingleside's Audit for the year ending September 30, 2013. He explained the "Unmodified" report means it is of good opinion and

the finances are accurate and he noted some of the new terminology such as "Net Position" instead of "Net Assets" and other minor changes in the way the audits are now required to be worded and the order presented. The City is within our own requirements to maintain 25% of the annual expenses in case of an emergency. There is sufficient cash for the ongoing projects and the departments are staying within budget. There were no significant deficiencies. Two items were noted within the Management Letter however, these are minor and meant for internal use only: (1) small grants to be posted in an single fund, and (2) all purchases need to be attached to a Purchase Order, even the repetitive monthly bills such as the purchase of water, electricity, etc. Mr. Garza stated these are not problems, they are only suggestions for areas of improvement.

Mayor Perkins stated he would meet with the City Manager to see what could be done to keep these repetitive items from occurring again.

9. **The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.087 "Deliberations Regarding Economic Development Negotiations" and Section 551.071 "Consult with Attorney" to discuss (a) the potential sale of the City of Ingleside's effluent water and (b) the threat of a lawsuit against the City of Ingleside made by Patricia Arnold, Laura McLaughlin, William Friday, and Kevin Robbins involving re-zoning ordinances numbered 1086, 1087, 1089, 1090, and 1091 and legal issues regarding said ordinances and threat.**

Mayor Perkins closed the Regular meeting to go into Executive Session at 6:57 p.m.

Mayor Perkins closed the Executive Session and re-opened the Regular meeting at 7:55 p.m.

Mayor Perkins stated no action is being taken other than to deny the lawsuit that has recently been filed by Patricia Arnold, Laura McLaughlin, William Friday, and Kevin Robbins involving re-zoning ordinances numbered 1086, 1087, 1089, 1090, and 1091 and legal issues regarding said ordinances and threat.

10. **Consideration and action authorizing the staff to move forward with a Parks and Recreation Master Plan and application of a Texas Parks and Wildlife Department Outdoor Recreation and Open Space Grant.**

City Manager Jim Gray explained that the staff had met with the Industry and League representatives again. A possible rendition of the Live Oak Park expansion was provided to the Council. The next stage is to prepare a Parks Master Plan that would include all City Parks and prioritize the needs for the community. This requires public input by holding Public Meetings. Then we can use the Parks Master Plan to apply for grants from various sources. The largest being Texas Parks and Wildlife Department (TPWD) which are typically 50/50 grants with a maximum of \$400,000 for any project. We would need to have our Parks Master Plan completed by May 1, 2014.

Craig Thompson of Naismith Engineering explained the different aspects in rendition of the Live Oak Park expansion and then went of the requirements needed in the Parks Master Plan. The next round of TPWD grants is due August 1, 2014. For Naismith to hold the required Public Hearings and put everything together, the cost would be \$37,500. This includes the Planning and Administration, the Public and Agency Involvement, the Needs Assessment, and the Plan and Report.

Council Member Kemp made a motion authorizing the use of Hotel/Motel Tax Funds to Naismith Engineering for a Parks Master Plan not to exceed \$37,500 and was seconded by Council Members Schack. The motion was approved unanimously.

11. **Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of C-2 (General Commercial) to R-1 (Single Family Residential District) and further providing for effective date, reading, severance, and publication: Lot 9-10, Block 1, Ingleside Mercantile Subdivision, being .141 acres, also known as 2805 Main Street. (First Reading) (Tabled from 1/14/14)**

City Manager Jim Gray explained since there was a delay with the zoning pyramid ordinance, that it was felt that we should go ahead and approve Elite Coastal Properties request so they can begin the required renovations. He reminded the Council this was to allow a single-family resident at the 2805 Main Street location. The property owner feels that due to the limited parking and the existing businesses already downtown, that it cannot support additional business parking; therefore they would like to renovate the property for personal use. One of the concerns previous voiced was that by rezoning R-1 in the middle of C-2 zoning would be spot zoning and therefore, that is why we were trying to pass the zoning pyramid ordinance to allow R-1 residents within the larger (less restrictive) zoning areas. In order to keep from rezoning this property and still allow the property owner to begin their project, staff discussed a Special Permit option with the City Attorney. He agreed we could "down-grade" this Ordinance from a zoning change to a Special Permit. We also feel that a one-year timeframe would be sufficient for the Council to take the necessary actions to approve a zoning pyramid ordinance.

Council Member Kemp made a motion to pass to a second reading an Ordinance for a Special Permit allowing a single-family resident within the C-2 (General Commercial) zoning for a period of one-year and further providing for effective date, reading, severance, and publication: Lot 9-10, Block 1, Ingleside Mercantile Subdivision, being .141 acres, also known as 2805 Main Street; and was seconded by Council Member Schack. The motion was approved unanimously.

12. Consideration and action of an ordinance of the City of Ingleside, Texas, amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 3. Building Sewers and Connections, to add sections 66-156 – 66-180-Grease Traps, and amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 4. Industrial Waste Regulations, Section 66-181 – 66-215 Reserved, Ingleside Code of Ordinances. (First Reading)

Building Official John Davis stated that of the five months he has been working with the City of Ingleside, he has had four sewer calls due to backed up grease traps. The businesses are calling a service on a regular basis; however, the contractor is only pumping out the liquid and not the grease. This ordinance will not only regulate how the grease traps are to be properly cleaned, but it will also require the contractor to coordinate with the City in order for us to provide a staff member to oversee that it is being done according to this code.

Council Member Kemp made a motion to pass to a second reading an Ordinance of the City of Ingleside, Texas, amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 3. Building Sewers and Connections, to add sections 66-156 – 66-180-Grease Traps, and amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 4. Industrial Waste Regulations, Section 66-181 – 66-215 Reserved, Ingleside Code of Ordinances; and was seconded by Council Member Tucker. The motion was approved unanimously.

13. Consideration and action of an ordinance amending Chapter 66-Utilities, to add Article VI-Backflow Prevention, Ingleside Code of Ordinances. (First Reading)

Building Official John Davis explained that State and Federal regulations require certain backflow devices on business and residential buildings. On homes and certain types of businesses it requires small devices on the outside water faucets and all toilet bowls. On commercial and industrial businesses, there are larger backflow devices required on their main lines.

Council Member Vaden made a motion to pass to a second reading an Ordinance amending Chapter 66-Utilities, to add Article VI-Backflow Prevention, Ingleside Code of Ordinances; and was seconded by Council Member Schack. The motion was approved unanimously.

14. Consideration and action authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP).

Council Member Kemp made a motion authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP) for the June 1, 2014 through May 31, 2015 contract period; and was seconded by Council Member Schack. The motion was approved unanimously.

See pg 88

City Manager Jim Gray explained since there was a delay with the zoning pyramid ordinance, that it was felt that we should go ahead and approve Elite Coastal Properties request so they can begin the required renovations. He reminded the Council this was to allow a single-family resident at the 2805 Main Street location. The property owner feels that due to the limited parking and the existing businesses already downtown, that it cannot support additional business parking; therefore they would like to renovate the property for personal use. One of the concerns previous voiced was that by rezoning R-1 in the middle of C-2 zoning would be spot zoning and therefore, that is why we were trying to pass the zoning pyramid ordinance to allow R-1 residents within the larger (less restrictive) zoning areas. In order to keep from rezoning this property and still allow the property owner to begin their project, staff discussed a Special Permit option with the City Attorney. He agreed we could “down-grade” this Ordinance from a zoning change to a Special Permit. We also feel that a one-year timeframe would be sufficient for the Council to take the necessary actions to approve a zoning pyramid ordinance.

Council Member Kemp made a motion to pass to a second reading an Ordinance for a Special Permit allowing a single-family resident within the C-2 (General Commercial) zoning for a period of one-year and further providing for effective date, reading, severance, and publication: Lot 9-10, Block 1, Ingleside Mercantile Subdivision, being .141 acres, also known as 2805 Main Street; and was seconded by Council Member Schack. The motion was approved unanimously.

12. **Consideration and action of an ordinance of the City of Ingleside, Texas, amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 3. Building Sewers and Connections, to add sections 66-156 – 66-180-Grease Traps, and amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 4. Industrial Waste Regulations, Section 66-181 – 66-215 Reserved, Ingleside Code of Ordinances. (First Reading)**

Building Official John Davis stated that of the five months he has been working with the City of Ingleside, he has had four sewer calls due to backed up grease traps. The businesses are calling a service on a regular basis; however, the contractor is only pumping out the liquid and not the grease. This ordinance will not only regulate how the grease traps are to be properly cleaned, but it will also require the contractor to coordinate with the City in order for us to provide a staff member to oversee that it is being done according to this code.

Council Member Kemp made a motion to pass to a second reading an Ordinance of the City of Ingleside, Texas, amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 3. Building Sewers and Connections, to add sections 66-156 – 66-180-Grease Traps, and amending Chapter 66-Utilities, Article III- Sanitary Sewer Service, Division 4. Industrial Waste Regulations, Section 66-181 – 66-215 Reserved, Ingleside Code of Ordinances; and was seconded by Council Member Tucker. The motion was approved unanimously.

13. **Consideration and action of an ordinance amending Chapter 66-Utilites, to add Article VI-Backflow Prevention, Ingleside Code of Ordinances. (First Reading)**

Building Official John Davis explained that State and Federal regulations require certain backflow devices on business and residential buildings. On homes and certain types of businesses it requires small devices on the outside water faucets and all toilet bowls. On commercial and industrial businesses, there are larger backflow devices required on their main lines.

Council Member Vaden made a motion to pass to a second reading an Ordinance amending Chapter 66-Utilites, to add Article VI-Backflow Prevention, Ingleside Code of Ordinances; and was seconded by Council Member Schack. The motion was approved unanimously.

14. **Consideration and action authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP).**

Council Member Kemp made a motion authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP) for the June 1, 2014 through May 31, 2015 contract period; and was seconded by Council Member Schack. The motion was approved unanimously.

- 15. Receive and discuss the City's financial situation, including but not limited to its budget, revenues, expenses, assets and debts.**

Interim Finance Director Sandy Clarkson provided an overview of the finances, taxes paid to date, checks over \$50,000.00, and the special Council fund balances.

- 16. Consideration and action to appoint members to serve on the Planning and Zoning Commission.**

City Manager Jim Gray explained there are two vacant positions on the Planning and Zoning Commission. We received two letters/resumes of interest and there was a third person interested; however, we do not have a letter/resume for the third individual. The two names being presented tonight were: Chris Guillanella and Elizabeth Beebe.

Council Member Wilson questioned why a letter/resume is being required for a Board/Commission when it's not required to run for Council.

There was additional discussion regarding Chris Guillanella having served before and not able to make several meetings due to his job. All Council Members agreed that an individual's employment was priority over the board/commission he/she was serving on; however, if there are other candidates that can make more meetings that would be preferable.

Council Member Schack made a motion to appoint Elizabeth Beebe to serve on the Planning and Zoning Commission for the term to expire December 31, 2015; and was seconded by Council Member Kemp. The motion was approved unanimously.

- 17. Consideration and action to appoint a member to serve on the Library Board.**

Council Member Kemp made a motion to appoint Laura Williams to serve on the Library Board and was seconded by Council Member Tucker. The motion was approved unanimously.

18. Staff Reports

City Manager Jim Gray announced that at the next Council Meeting we will have a Resolution to move the March 25, 2014 Council Meeting forward to March 18, 2014 due to the Mayor and City Manager out of town March 24-26, 2014 to attend the Coastal Bend to Washington, DC trip. He also noted that March 18, 2014 is the Home Grant Application Intake date.

19. Requests from Council Members

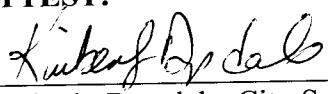
Council Member Wilson requested a future agenda item to discuss the requirements for boards and commission members.

Council Member Vaden requested the Mayor to speak with the local Post Office to replace their torn US Flag.


20. Adjourn

There being no further business, the meeting was adjourned at 9:07 p.m.

ATTEST:


Kimberly Drysdale, City Secretary

APPROVED:


Mayor Pete Perkins